

Docket No.: SYN-064 C

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

By: 

Date: SEPT. 8, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Robert Sixto, Jr. et al.  
Serial No. : 10/010,246  
Filed : December 6, 2001  
Title : Surgical Clips Particularly Useful in the Endoluminal Treatment of Gastroesophageal Reflux Disease (GERD)  
Examiner : Bradford C. Pantuck - Art Unit: 3731

RESPONSE

RECEIVED

SEP 15 2003

Hon. Commissioner for Patents,

Sir:

Responsive to the Office Action dated July 15, 2003, the following remarks are made:

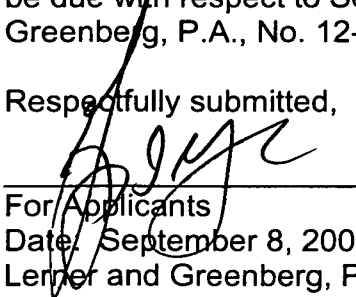
In deference to the election requirement on page 2 of the above-identified Office action, applicants elect the species of a surgical clip having a retainer with a length of at least  $P_i$  times the distance between the arms for prosecution at this time with traverse. Applicants respectfully request the Examiner to specify why more than one search is required (i.e., is it the classification(s) of the species which led to the requirement?).

The following claims read on the elected species of Figs. 19-24 : claims 1-10, 17, and 18.

In view of the foregoing, the early issuance of an Action on the merits, and the allowance of all of the claims are solicited.

Petition for extension is herewith made. The extension for response within a period of one month pursuant to Section 1.136(a) in the amount of \$55.00 in accordance with Section 1.17 is enclosed herewith. Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
For Applicants

Date: September 8, 2003  
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Gregory L. Mayback  
Reg. No. 40,719

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3731 #6  
w/Response  
S. Buyer  
9/17/03